

REMARKS

At the time of the Office Action dated April 3, 2007, claims 1-18 were pending and rejected in this application.

On page 2 of the Office Action, the Examiner objected to both the specification and claims for various informalities. In response, Applicants note that the specification and claims have been amended per the Examiner's suggestions. Applicants, therefore, respectfully solicit withdrawal of the imposed objections to the specification and claims.

CLAIMS 1, 4, 6, AND 8 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON SANGHVI, U.S. PATENT PUBLICATION NO. 2002/0052980 (HEREINAFTER SANGHVI), IN VIEW OF SKAGERLING, U.S. PATENT NO. 5,621,663 (HEREINAFTER SKAGERLING)

On pages 3-6 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have arrived at the claimed invention based upon the combination of Sanghvi and Skagerling. This rejection is respectfully traversed.

Claims 1 and 8

On page 3 of the Office Action, the Examiner asserted that "Sanghvi teaches the invention substantially as claimed." Applicants respectfully disagree. At the outset, Applicants note that the Examiner has failed to set forth a claim construction for the term "action invocations." The dictionary definition of the term "invoke" includes "to call forth," "to petition

for ... support," and "to bring into effect or operation."¹ Similarly, the term "invocation" includes the definitions of "the act or process of petitioning for ... support" and "a calling upon."² Thus, the claimed term "action invocations" includes the concept of calling for an action to be performed. Also, the term "call" also implies both a sender of the call and a receiver of the call.

On page 3 of the Office Action, the Examiner asserted that the claimed "action invocations" were taught by "e.g., forwarded events." Forwarded events, however, do not correspond to the broadest reasonable interpretation of the term "action invocations." The forwarded events do not necessary call forth for an action. Thus, the Examiner has failed to establish that Sanghvi teaches or suggests this particular limitation.

With regard to the claimed "establishing correlations between said observed state changes and action invocations," the Examiner cited steps 206 and step 404 of Sanghvi. Regarding blocks 206 and 404, Sanghvi stated the following, respectively, in paragraphs [0034] and [0041]:

FIG. 3 is a flow diagram illustrating an event-handling procedure 200. The WMI module monitors event activity throughout the enterprise (block 202). The procedure 200 determines whether event data has been received from an event provider (block 204). If event data has been received, the WMI module records the event data and initiates any appropriate actions (block 206). An appropriate action includes notifying an event consumer of the event (e.g., if the event consumer previously subscribed to such an event). (emphasis added)

FIG. 5 is a flow diagram illustrating a procedure 400 for establishing and managing groupings of computer systems. Initially, the administrator of the enterprise (or a portion of the enterprise) defines one or more groups (block 402). Next, the administrator assigns policies to each defined group (block 404). (emphasis added)

Upon reviewing these passages, Applicants are unclear where Sanghvi teaches the claimed "establishing correlations between said observed state changes and action invocations." In this

¹ mw1.merriam-webster.com/dictionary/invoke.

² mw1.merriam-webster.com/dictionary/invocation.

regard, Applicants have not been able to identify, within these cited passages, the feature(s) alleged to correspond to the claimed "correlations."

With regard to the claimed "formulating rules in a policy based upon user selected ones of said established correlations," the Examiner stated "policies 502-508 and merged policy set 510, Fig. 6)." Regarding these features, Sanghvi stated the following in paragraphs [0044] and [0045]:

FIG. 6 illustrates the combining of multiple policies 502, 504, 506, and 508 into a single merged policy set 510. Event log 512 communicates with the merged policy set 510. This merging of policies allows several policies to be merged together into a single policy. In a particular implementation, policies are applied by administrators and stored in a central location. The appropriate policies for a particular system are selected, ordered, merged and applied by the WMI module. When the policy is applied, the desired event filters and bindings are created at the appropriate systems throughout the enterprise.

The policy elements that are complementary with one another are appended to the new, merged policy set 510. If two or more policy elements are in conflict with one another, then the conflict is resolved by applying a conflict-resolution algorithm, discussed below.

From these passages, Applicants are unclear where Sanghvi teaches the claimed "formulating rules in a policy based upon user selected ones of said established correlations." These passages are silent as to the rules in the policy being based upon the established correlations. Moreover, these passages are silent as to the rules in the policy being based upon user selected ones of the established correlations.

With regard to the claimed "each of said rules specifying a state change in at least one of said applications," the Examiner stated the rules are "in policy" and also stated "step 404, Fig. 5, event filtering." Applicants are entirely unclear where, specifically, Sanghvi teaches that a rule specifies a state change in at least one of the applications. The phrase "rule" is only found in paragraphs [0037] and [0038] of Sanghvi and appears unrelated to the claimed rule. Applicants do note, however, that the term "event filtering" is found in paragraph [0047] in conjunction with

the application of a policy. However, Applicants have been unable to find any correlation between "event filtering" and "a state change in at least of said applications," as claimed.

With regard to the claimed "at least one resulting action invocation in at least one other of said applications," the Examiner asserted that the "at least one resulting action" was disclosed by the "forwarded event" and the "at least one other of said applications" was disclosed by "forwarding of events, paragraph [0031]." Applicants are unclear as to how the forwarding of events, as taught by Sanghvi, discloses both the resulting action and the at least one other application. In this regard, the Examiner's explanation of the rejection is ambiguous. Applicants are also unclear where within Sanghvi teaches that the claimed "rule" also specifies the "at least one resulting action invocation in at least one other of said applications."

The claim language also includes the limitation of "other of said applications," yet it appears that both the "event" (i.e., allegedly corresponding to the claimed "state change") and the forwarding of the data is found within the same application. The Examiner's statement of the rejection does not clarify how the claimed limitation is disclosed by Sanghvi.

On page 4 of the Office Action, the Examiner further asserted the following with regard to both Sanghvi and Skagerling:

Although Sanghvi teaches the invention substantially, Sanghvi does not specifically disclose applying said policy to automatically respond to each subsequently observed state change with a specified action invocation.

However Skagerling teaches applying said policy (e.g. Rule Base) to automatically respond to each subsequently observed state change (e.g. event) with a specified action invocation (rule base associates event with action, col. 2, lines 18-21).

The fact that the Examiner relies upon Skagerling to teach the claimed step of "applying said policy ..." is a clear indication that Sanghvi does not teach all of the other steps. A "policy,"

given the ordinary and customary meaning of the phrase, can mean "a definite course or method of action selected from among alternatives and in light of given conditions to guide and determine present and future decisions"³ The prior limitations of claim 1 described how the rules in the policy have been formulated, and once formulated, applying the policy would be a natural outcome. If Sanghvi had formulated the policy in the manner according to that claimed, then the implementation of that policy, as claimed, should also be found in Sanghvi. The fact that the implementation of this policy (i.e., by responding to each subsequently observed state change with a specified action invocation) is not disclosed by Sanghvi, as admitted by the Examiner, is a clear indication that Sanghvi does not disclose how the policy was formulated.

Claim 4

In the paragraph spanning pages 4 and 5 of the Office Action, the Examiner identified UI Applications 152(1)-(3) as corresponding to the claimed "a plurality of user interface views into corresponding disparate applications." Applicants respectfully disagree. Paragraph [0030] of Sanghvi describes that UI applications 152 as being used to "retrieve data, manage systems, and configure various enterprise management parameters." Paragraph [0032] also describes using the UI applications 152 to access data requests from the event log 158. However, Sanghvi is entirely silent as to the user interface views being into corresponding disparate application (i.e., a particular user interface corresponds to a particular disparate application). Thus, Sanghvi fails to teach the limitations for which the Examiner is relying upon Sanghvi to teach.

Claim 4 also recites that the policy interface unit (i.e., allegedly taught by WMI module 106) is configured to both establish a policy and to enforce the established policy. To teach

³ mw1.merriam-webster.com/dictionary/policy.

establishing the policy, the Examiner referred to paragraph [0031] of Sanghvi, which is reproduced below:

System 150 also includes a set of policies 160, which are accessible by WMI module 106. Policies 160 may control the configuration of one or more systems in the enterprise. Other policies may define various activities, such as event filtering, event correlation, and the forwarding of events to particular devices or applications. A database 156 is coupled to WMI module 106. Database 156 stores various information related to the enterprise. For example, database 156 can store event data (i.e., creating an event log), policy data, and enterprise configuration information.

Upon reviewing this passage, Applicants are unclear where Sanghvi teaches that the policy is established "to respond to observed state changes in selected ones of said applications with action invocations in others of said applications," as claimed.

With regard to the claimed enforcing the established policy, the Examiner relied upon the secondary reference of Skagerling. In this regard, Applicants rely upon the arguments previously presented with regard to claim 1 as also applying to claim 4. Specifically, The fact that the enforcement of this policy is not disclosed by Sanghvi, as admitted by the Examiner, is a clear indication that Sanghvi does not disclose how the policy was established.

Therefore, for the reasons stated above, Applicants submit that the imposed rejection of claims 1, 4, 6, and 8 under 35 U.S.C. § 103 for obviousness based upon Haynes in view of Flaxer is not viable. Thus, Applicants respectfully solicit withdrawal thereof.

CLAIMS 2 AND 9 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON SANGHVI IN VIEW OF SKAGERLING AND SRINIVASA ET AL., U.S. PATENT NO. 6,965,900 (HEREINAFTER SRINIVASA)

On pages 6 and 7 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have arrived at the claimed invention based upon the combination of Sanghvi, Skagerling and Srinivasa. This rejection is respectfully traversed.

Applicants respectfully submit that the Examiner's citation of Srinivasa to teach the limitation recited in claims 2 and 9 is inappropriate. At the outset, Applicants note that the "event" described by Srinivasa does not corresponding to the claimed "state changes in said applications." Instead referring to the Background of the Invention, Srinivasa describes an event as "sporting events and entertainment events and the like." Thus, the identification of the event in Srinivasa by page crawling does not correspond to the claimed invention. Moreover, along the same lines, the paragraphs identified by the Examiner do not teach that the "events" are associated with applications (i.e., a plurality of applications).

Thus, Srinivasa fails to teach the limitations for which the Examiner is relying upon Srinivasa to teach. Therefore, Applicants respectfully submit that the imposed rejection of claims 2 and 9 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling and Srinivasa is not viable and, hence, Applicants solicit withdrawal thereof.

**CLAIMS 3 AND 10 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED
UPON SANGHVI IN VIEW OF SKAGERLING AND SWEENEY ET AL., U.S. PATENT PUBLICATION NO.
2002/0083168 (HEREINAFTER SWEENEY)**

On pages 7 and 8 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have arrived at the claimed invention based upon the combination of Sanghvi, Skagerling and Sweeney. This rejection is respectfully traversed.

Claims 3 and 10 respectively depend from independent claims 1 and 8, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claims 1 and 8 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling. The tertiary reference to Sweeney does not cure the argued deficiencies of the combination of Sanghvi and Skagerling. Accordingly, even if the claimed invention were combined in the manner suggested by the Examiner, the proposed combination of references would not yield the claimed invention. Therefore, Applicants respectfully submit that the imposed rejection of claims 3 and 10 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling and Sweeney is not viable and, hence, Applicants solicit withdrawal thereof.

**CLAIM 5 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON SANGHVI
IN VIEW OF SKAGERLING AND CHRISTIAN WEGE, "PORTAL SERVER TECHNOLOGY"
(HEREINAFTER WEGE)**

On page 9 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have arrived at the claimed invention based upon the combination of Sanghvi, Skagerling and Wege. This rejection is respectfully traversed.

Claim 5 depends from independent claim 4, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling. The tertiary reference to Wege does not cure the argued deficiencies of the combination of Sanghvi and Skagerling. Accordingly, even if the claimed invention were combined in the manner suggested by the Examiner, the proposed combination of references would not yield the claimed invention. Therefore, Applicants respectfully submit that the imposed rejection of claim 5 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling and Wege is not viable and, hence, Applicants solicit withdrawal thereof.

**CLAIM 7 IS REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON SANGHVI
IN VIEW OF SKAGERLING AND HELLERSTEIN ET AL., U.S. PATENT PUBLICATION NO.
2002/0073195 (HEREINAFTER HELLERSTEIN)**

On pages 9-11 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have arrived at the claimed invention based upon the combination of Sanghvi, Skagerling and Hellerstein. This rejection is respectfully traversed.

Claim 7 depends from independent claim 4, and Applicants incorporate herein the arguments previously advanced in traversing the imposed rejection of claim 4 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling. The tertiary reference to Hellerstein does not cure the argued deficiencies of the combination of Sanghvi and Skagerling. Accordingly, even if the claimed invention were combined in the manner suggested by the

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Examiner, the proposed combination of references would not yield the claimed invention.

Therefore, Applicants respectfully submit that the imposed rejection of claim 7 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling and Hellerstein is not viable and, hence, Applicants solicit withdrawal thereof.

**CLAIMS 11-18 ARE REJECTED UNDER 35 U.S.C. § 103 FOR OBVIOUSNESS BASED UPON
SANGHVI IN VIEW OF SKAGERLING AND BECKMAN ET AL., U.S. PATENT NO. 6,385,724
(HEREINAFTER BECKMAN)**

On pages 11-14 of the Office Action, the Examiner asserted that one having ordinary skill in the art would have arrived at the claimed invention based upon the combination of Sanghvi, Skagerling and Beckman. This rejection is respectfully traversed.

Claims 11 and 15

Independent claims 11 and 15 each recite "observing in an initial policy interface unit state changes and action invocations in at least one application through a visual view of said at least one application," and the Examiner relied upon the UI applications 151(1)-(3) to teach this limitation. Applicants respectfully disagree. As already noted above, paragraph [0030] of Sanghvi describes that UI applications 152 as being used to "retrieve data, manage systems, and configure various enterprise management parameters." Paragraph [0032] also describes using the UI applications 152 to access data requests from the event log 158. However, Sanghvi is silent as to visually viewing the application. Thus, Sanghvi fails to teach the limitations for which the Examiner is relying upon Sanghvi to teach.

Applicants also incorporate herein, as also applying to claims 11 and 15, the arguments previously presented with regard to claims 1 and 8. Specifically, the Examiner has failed to establish that Sanghvi teaches the claimed steps of establishing correlations and formulating rules based upon the correlations. The tertiary reference to Beckman does not cure the argued deficiencies of the combination of Sanghvi and Skagerling. Accordingly, even if the claimed invention were combined in the manner suggested by the Examiner, the proposed combination of references would not yield the claimed invention. Therefore, Applicants respectfully submit that the imposed rejection of claims 11-18 under 35 U.S.C. § 103 for obviousness based upon Sanghvi in view of Skagerling and Beckman is not viable and, hence, Applicants solicit withdrawal thereof.

Applicants have made every effort to present claims which distinguish over the prior art, and it is believed that all claims are in condition for allowance. However, Applicants invite the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. Accordingly, and in view of the foregoing remarks, Applicants hereby respectfully request reconsideration and prompt allowance of the pending claims.

Although Applicants believe that all claims are in condition for allowance, the Examiner is directed to the following statement found in M.P.E.P. § 706(II):

When an application discloses patentable subject matter and it is apparent from the claims and the applicant's arguments that the claims are intended to be directed to such patentable subject matter, but the claims in their present form cannot be allowed because of defects in form or omission of a limitation, the examiner should not stop with a bare objection or rejection of the claims. The examiner's action should be constructive in nature and when possible should offer a definite suggestion for correction.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 09-0461, and please credit any excess fees to such deposit account.

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